

JURISDICTION:
General Reference:

HAWAII
Hawaii Revised Statutes

Required Use of Safety Belts¹:

Requirements:

I. Before operating a motor vehicle, a driver shall restrain themselves and any front or back seat passenger between 4 and 14 years old in a Federally approved seat belt. §291-11.6(a)(1)
II. Before a motor vehicle is operated, a front seat passenger ≥15 years old shall be restrained in a Federally approved seat belt. §291-11.6(a)(2)
III. Before a motor vehicle is operated, a back seat passenger between 15 and 17 years old shall be restrained in a Federally approved seat belt. §291-11.6(a)(3)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Violation (Non-Criminal): A fine of **\$45** §291-11.6(e) & 701-107(5)

Effect on Civil Liability:

The enactment of the safety belt law does not change existing law concerning personal injury civil actions related to vehicle accidents.² §291-11.6(d)

Required Use of Child Safety Restraint Systems³:

Requirements:

Before transporting a child <4 years old in a motor vehicle, the vehicle operator must secure such child in a child passenger restraint system approved by the Federal Government. §291-11.5(a)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Violation (Non-Criminal): 1st offense-A fine of not more than **\$100** 2nd offense-A fine of not more than **\$200** 3rd or subsequent offense-A fine of not more than **\$500** 1st and subsequent offenders are required to take a "Child Passenger Restraint System Safety Class" which is not to exceed 4 hours. Offenders are charged a **\$50** fee to take this course. §§286G-3(a), 291-11.5(e) & 701-107(5)

Effect on Civil Liability:

Failure to comply with this requirement is not considered contributory negligence, comparative negligence or negligence per se. §291-11.5(d)

¹**Exemptions.** I. Passengers of either emergency vehicles while on official duties (ambulances, firefighting equipment, rescue vehicles and police vehicles) or mass transportation vehicles with a gross vehicles weight rating >10,000 lbs. (bus, school bus excluding a charter or sightseeing service bus) are exempt from the seat belt requirement. §291-11.6(b)

II. The seat belt use requirement does not apply in the following circumstances: (1) To persons riding in motor vehicles that do not have to have a safety belt under Federal law; (2) to persons who are unable to use a seat belt because all of the available safety belt assemblies are in use; (3) to persons who have a condition that prevents the appropriate use of a seat belt; (4) to persons operating taxicabs. §291-11.6(c)

²The Hawaii Supreme Court has indirectly held that a person has no common law duty to mitigate damages by wearing a safety belt. *Kealoha v. County of Hawaii*, 844 P.2d 670 (Hawaii 1993)

³**Exemptions.** Operators of emergency, commercial and mass transit vehicles are exempt from the child safety seat requirement. §291-11.5(b) In addition, this requirement does not apply if the number of children to be secured exceeds the number of available seat belt assemblies in the vehicles. However, children that are not secured must be placed in the back seat of the motor vehicle. §291-11.5(c)

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Required Use of Motorcycle Protective Headgear⁴:

Requirements:	No person <18 years old shall operate or ride on a motorcycle unless they are wearing a State approved safety helmet. ⁵ §286-81(a)(3) & (b)
Sanctions for Failure to Use:	Violation (Non-Criminal): A fine of not more than \$1,000 . §§286-82 & 701-107(5)

Required Use of Motorcycle Eye Protection Device⁶:

Requirements:	No person shall operate or ride on a motorcycle unless they wear safety glasses, goggles or a face shield. §286-81(a)(1)(A)
Sanctions for Failure to Use:	Violation (Non-Criminal): A fine of not more than \$1,000 . §§286-82 & 701-107(5)

Required Use of Bicycle Protective Headgear:

Requirements:	Persons <16 years old shall wear a properly fitted and fastened bicycle helmet ⁷ when operating a bicycle. This requirement also applies to a person who is riding in a restraining seat attached to a bicycle. §291C-150
Sanctions for Failure to Use:	A fine of not more than \$25 . Either a parent or legal guardian of a minor in violation of this requirement is liable for the payment of this fine. §291C-150

⁴The requirement to use a safety helmet does not apply if the motorcycle (1) has three wheels, (2) is powered by an electric motor, (3) has a full body enclosed cab or (4) has a seat belt assembly or a child restraint system which must used when the vehicle is in motion. §286-81(c)

Persons Under 7 Years Old. A motorcycle operator shall not carry a child <7 years old on a motorcycle unless such vehicle (1) has three wheels, (2) is powered by an electric motor, (3) has a full body enclosed cab or (4) has a seat belt assembly or a child restraint system which must used when the vehicle is in motion. §291-11(a) & (b) A motorcycle operator, who violates this provision, is subject to a fine on not more than **\$200**. §291-11(c)

⁵The Hawaii Supreme Court has held that a person has no common law duty to mitigate damages by wearing a motorcycle safety helmet. *Kealoha v. County of Hawaii*, 844 P.2d 670 (Hawaii 1993)

⁶The requirement to use an eye protection device does not apply if the motorcycle has a windscreen or windshield. §286-81(a)(1)(A)

⁷The helmet must have been approved by a nationally recognized agency (e.g., the National Highway Traffic Safety Administration, National Safety Council, Children's Safety Network, et al.). §291C-150

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

I. No person shall stand in the bed or load-carrying area of a pickup truck⁸ while such vehicle is in motion. §291-14(a)

II. A driver of a pickup truck⁷ shall not allow a passenger to ride seated in the bed of such a truck unless the following three conditions are satisfied: (1) There no seats available in the vehicle's cab; (2) the side racks and the tailgate are respectively securely attached and securely closed; and, (3) the passengers in the bed are seated on the floor and do not attempt to unlash any cargo. §291-14(a)

III. A person shall not operate a pickup truck⁷ while any passenger ≤12 years old is in the bed or load-carrying area of the vehicle. §291-14(c)

Sanctions for a Violation:

I. It is a Non-Criminal "Violation" to violate of either I or II above: Fine of **\$25**. §§291-14(d) & 701-107(5)

II. It is a Non-Criminal to violate III above: Fine of **\$50**. §§291-14(d) & 701-107(5)

Exemptions:

These requirements do not apply to persons or corporations that are operating a business that serves the public or are under the supervision of State or local authorities that regulate employees while they carry out their duties. §291-14(b)

⁸For the purposes of this prohibition, a "pickup truck" is defined as "a light truck that has a cab on the front part of the vehicle covering the driver's seat and an open bed behind the cab designed primarily to transport property or cargo, with sides and a tailgate to retain the contents within the confines of the bed, and has a maximum gross vehicle weight rating (GVWR) of 11,000 pounds or less." §291-14(e)

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